GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD – Irregularities in execution of work of "Construction of Lecture Halls 2 Nos., Junior Faculty Quarters, New Hostel Building, Kitchen cum Dining at ETC, Bapatla Town in Guntur District", executed by the Panchatyat Raj Sub-division, Bapatla – Disciplinary proceedings against Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, PRI Sub-Division, Bapatla, Guntur District, under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.886 **Dated:11.09.2015.**

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ORDER:

It is proposed to hold an enquiry against Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, Panchayat Raj Institution Sub-Division, Bapatla, Guntur District, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, Panchayat Raj Institution Sub-Division, Bapatla, Guntur District, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, Panchayat Raj Institution Sub-Division, Bapatla, Guntur district, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, Panchayat Raj Institution Sub-Division, Bapatla, Guntur District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, Panchayat Raj Institution Sub-Division, Bapatla, Guntur District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, Panchayat Raj Institution Sub-Division, Bapatla, Guntur District, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(Contd...2)

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K. S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT(P.R.&R.W.S.)

To
Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, PRI Sub-Division, Bapatla, Guntur District through the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Hyderabad (in duplicate with a request to serve and return the dated acknowledgement copy).
Copy to:
The General Administration (Vigilance & Enforcement) Department, Andhra Pradesh, BRKR Buildings, Hyderabad (w.r.t. Vigilance Report No.32 (C.No.1174-3/V&E/E2/2013), dt:16.04.2015.
The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.
The Panchayat Raj & Rural Development (Estt.I) Department.
S.f./S.c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI M.V. MALLIKARJUNA RAO, THE THEN DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ PRI SUB-DIVISION, BAPATLA, GUNTUR DISTRICT.

CHARGE:

Sri M.V. Mallikarjuna Rao, Deputy Executive Engineer, Panchayat Raj, while working as Deputy Executive Engineer, Panchayat Raj Institution Sub-Divison, Bapatla, Guntur District, has executed and recommended for payment to the underweight Aluminium window grills fixed in F section (i.e., 1.96 kgs/Sqm against 3.58 Kg/Sqm specified), thereby caused loss to the Government Exchequer in the work of "Construction of Lecture Halls 2 Nos., Junior Faculty Quarters, New Hostel Building, Kitchen cum Dining at ETC, Bapatla Town in Guntur District", executed by the Panchayat Raj Sub-division, Bapatla, in gross violation of rules.

BASIS:-

The General Administration (Vigilance & Enforcement) Department have verified the work of "Construction of Lecture Halls 2 Nos., Junior Faculty Quarters, New Hostel Building, Kitchen cum Dining at ETC, Bapatla Town in Guntur District", executed by the Panchayat Raj Sub-division, Bapatla and furnished a report vide Vigilance Report No.32, (C.No.1174-3/V&E/E2/2013), dt:16.04.2015, with the following findings:-

(a) The lowest tender of M/s. R. Gangaiah & Co., Hyderabad @ (-) 14.50% less than ECV was approved by the COT.

(b) The physical measurements of (a) internal dimensions of rooms / corridors / lobbies, (b) sizes of beams, columns, staircases and porticos, (c) doors and ventilators including fixtures, (d) flooring in rooms and in toilets (3) thickness of plastering, (f) steel railing for staircases and corridors, (g) electrical fixtures etc. are fairly tallying with the recorded measurements.

(c) The foundation depths could not be verified as water is oozing out due to shallow depth of water table.

(d) Electrical items such as a) Ceiling fan, b) 2 way switch, c) 6A & 12A 2 pin/3pin power socket, d) 32A DP switch, 3) PVC insulated flexible copper cables of 5 (five) categories, collected from the work site were certified by the Executive Engineer, (Roads & Buildings) Electrical Division, Guntur, that all the above items are confirming to agreement clauses and specifications.

(e) The compressive strength of Cores extracted from the hardened Reinforced concrete of slabs of M-30 grade satisfied the required average cube compressive strength of 25.50 N/mm^2.

(f) It is inferred from the ultra sound pulse velocity test results that the quality of construction of building are found to be in the categories of "Good" and "Good to Excellent".

(g) Deficiency of 3.67 mm and 2.00 mm in Roof slab thickness is noticed for the ground floor of New Hostel building and Lecture Halls building respectively. The recovery @ twice the deficiency amount for this discrepancy is Rs.31,264/- is being recommended.

(h) The Engineer-in-Chief, Panchayat Raj, Hyderabad has permitted to construct the buildings up to plinth beam level with CBM (Cement Brick Masonry) in CM (1:6) against the sanctioned item of RR Masonry in CM (1:6).

(Contd..2)

(i) Instead of Jaquar make towel rods & rings, local make were fixed in the bathrooms and payment was made for Jaquar make as per agreement rates. The recovery @ twice the deficiency amount towards this discrepancy is Rs.2,76,964/- is being recommended.

(j) Though Jaquar make bibcock was provided in the agreement, Seiki make were provided in the field and the same were recorded in the M.Book. Payment was not made as on date of inspection.

(k) The weight of the aluminium grill fixed in 'F' sections of the windows are verified with respect to a window of size 1.79X1.35 Mts in Room No.108 and a window of size 1.47X1.33 Mts in staircase room of new hostel building. The weight of the grill is 1.96 kg/sqm against 3.58 kgs/sqm (i.e., 1.62 Kg/sqm less than the agreement rates. The recovery @ twice the deficiency amount towards shortfall in the weight of aluminium window grills is Rs.4,55,036/- is being recommended.

(l) The contractor has not produced workmen compensation policy covering personal injury or death of persons employed for constructions as per Agreement clause 9.1(d).

(m) Seigniorage charges were recovered as per agreement conditions and as per G.Os in force. One time penalty of Rs.94,896/- at Rs.40/- per Cum for consumption of 2372.41 Cum of sand without valid permits was also deducted from the bills paid to the contractor.

(n) VAT & Labour cess was deducted as per rules & G.O's in vogue.

(o) The Superintendent Engineer, Panchayat Raj, Guntur and the Executive Engineer, Panchayat Raj Institution Division, Tenali have super checked the work as per the codal requirements.

The Vigilance & Enforcement Department have also reported that recoveries have to be made on the following lines:-

Sl.No.	Description	Amount to be recovered (in Rs.)
1.	Recovery towards usage of local made towel rods rings instead of Jaquar make as per agreement conditions.	2,76,964/-
2.	Recovery towards less weight of Aluminium window grill fixed in F section.	4,55,036/-
3.	Recovery towards Deficiency in Slab thickness of new hostel building Ground Floor & lecture hall building.	31,264/-
	Total	Rs.7,63,264/-

Thus, Sri M.V. Mallikarjuna Rao, the then Deputy Executive Engineer, Panchayat Raj, Panchayat Raj Institution Sub-Division, Bapatla, Guntur District exhibited gross negligence towards his official duties and failed to maintain absolute integrity, discipline and devotion duty, in violation of rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Hence the charge.

Dr.K. S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT(P.R.&R.W.S.)

SECTION OFFICER

ANNEXURE-II

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI M.V. MALLIKARJUNA RAO, THE THEN DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ PRI SUB-DIVISION, BAPATLA, GUNTUR DISTRICT ARE PROPOSED TO BE SUSTAINED

Vigilance Report No.32 (C.No.1174-3/V&E/E2/2013), dt:16.04.2015 of the General Administration (Vigilance & Enforcement) Department.

Dr.K. S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT(P.R.&R.W.S.)

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI M.V. MALLIKARJUNA RAO, THE THEN DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ PRI SUB-DIVISION, BAPATLA, GUNTUR DISTRICT ARE PROPOSED TO BE SUSTAINED

- NIL -

Dr.K. S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT(P.R.&R.W.S.)

SECTION OFFICER